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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,297	11/25/2003	Laura Suggs Stinnett	9D-HL-25129	9069
7590	08/12/2004		EXAMINER RINEHART, KENNETH	
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102			ART UNIT 3749	PAPER NUMBER
DATE MAILED: 08/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/722,297	STINNETT ET AL.
	Examiner	Art Unit
	Kenneth B Rinehart	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5 and 11-20 is/are rejected.
- 7) Claim(s) 3,4 and 6-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/25/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rickard et al. Rickard et al shows a first initial spin (abstract); a first rest period after said first initial spin (col. 10, lines 35-36); and a spin subsequent said first rest period lasting until an end of said spin cycle (col. 10, lines 36-39), a second initial spin subsequent the first rest period ; and a second rest period subsequent the second initial spin, said spin subsequent said first rest period is subsequent said second rest period (fig. 2, col. 10, lines 51-52), wherein at least one of said first initial spin and said second initial spin lasts for at least eight seconds (col. 10, line 41).

Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Guerra et al. Guerra et al shows a basket (fig. 1); a motor providing motion for said basket (fig. 1); and a controller operatively coupled to said motor for controlling said motor (fig. 1), said controller configured to perform a spin cycle between a wash cycle and a rinse cycle by starting said motor for a first initial spin, stopping said motor for a first rest period, and starting said motor subsequent the first rest period to spin until the spin cycle ends (fig. 3, The apparatus is presently capable of performing this function), said controller is further configured to start said motor for a second initial spin subsequent the first rest period, stop said motor for a second rest period

subsequent the second initial spin, and start said motor subsequent the second rest period to spin until the spin cycle ends (fig. 3, The apparatus is presently capable of performing this function).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guerra et al. Guerra et al shows a basket (fig. 1); a motor providing motion for said basket (fig. 1); and a controller operatively coupled to said motor for controlling said motor (fig. 1), said controller configured to perform a spin cycle between a wash cycle and a rinse cycle by starting said motor for a first initial spin, stopping said motor for a first rest period, and starting said motor subsequent the first rest period to spin until the spin cycle ends (fig. 3, The apparatus is presently capable of performing this function), said controller is further configured to start said motor for a second initial spin subsequent the first rest period, stop said motor for a second rest period subsequent the second initial spin, and start said motor subsequent the second rest period to spin until the spin cycle ends (fig. 3, The apparatus is presently capable of performing this function), wherein said controller comprises an electronic controller (fig. 3), A control system for a washing machine, the washing machine including a basket and a motor coupled to the basket to provide agitation in the basket (fig. 1), said control system configured to perform a spin cycle between a wash cycle and a rinse cycle by starting the motor for a first initial spin, stopping said motor for a first rest period, and starting the motor subsequent the first rest period to spin until

the spin cycle ends (fig. 3, The apparatus is presently capable of performing this function), further configured to start the motor for a second initial spin subsequent the first rest period, stop motor for a second rest period subsequent the second initial spin, and starting the motor subsequent the second rest period to spin until the spin cycle ends (fig. 3, The apparatus is presently capable of performing this function). Guerrera et al discloses applicant's invention substantially as claimed with the exception of at least one of the first initial spin and the second initial spin lasts for approximately eight seconds, wherein at least one of the first rest period and the second rest period last for approximately twelve seconds, said controller comprises an electromechanical controller, the first and second initial spins are at a first speed and the spin subsequent the second initial spin is at a second speed which is faster than the first speed. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have at least one of the first initial spin and the second initial spin lasts for approximately eight seconds, wherein at least one of the first rest period and the second rest period last for approximately twelve seconds, said controller comprises an electromechanical controller, the first and second initial spins are at a first speed and the spin subsequent the second initial spin is at a second speed which is faster than the first speed because applicant has not disclosed that the duration of the spins, the type of controller, or the relative magnitude of the speeds provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the duration of the spins, controller, and speeds of Guerrera or the claimed times, controller and speeds because both sets of times, controllers and speeds perform the same function of inhibiting sud formation equally well.

Allowable Subject Matter

Claims 3, 4, and 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722. The examiner can normally be reached on 7:30 -4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBR


KENNETH RINEHART
PRIMARY EXAMINER